

EXHIBIT 1

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. **1:24-cv-12108-DJC****PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for **Donald E. Morisky**
 was recieved by me on **9/19/2024**:

- ☐ I personally served the summons on the individual at *(place)* on *(date)* ; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* , a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* , who is designated by law to accept service of process on behalf of *(name of organization)*; or
- ☒ I returned the summons unexecuted because **No contact** after attempting service at **10935 MUSEO AVE, Las Vegas, NV 89135**; or
- ☐ Other *(specify)*

My fees are \$ 0 for travel and \$ 95.00 for services, for a total of \$ 95.00.

I declare under penalty of perjury that this information is true.

Date: 09/29/2024



 Server's signature

John White

 Printed name and title

**316 W 2nd St.
 3rd Floor
 Los Angeles, CA 90012**

 Server's address

Additional information regarding attempted service, etc:

9/19/2024 9:37 AM: There was no answer at the address. No lights noise movement or answer at electronic doorbell
 9/22/2024 10:20 AM: There was no answer at the address. At the address I observed a previously served subject. I spoke with an on-site worker who says subject resides and a neighbor who says subject resides. No answer at electronic doorbell

9/23/2024 4:29 PM: There was no answer at the address. No lights noise movement or cars in driveway no answer at electronic doorbell

9/24/2024 6:40 PM: There was no answer at the address. At the address I observed a previously served subject. I spoke with a property manager/landlord who says subject resides and a neighbor who says subject resides. No lights noise moment or cars in driveway no answer at electronic doorbell



Tracking # 0144381360



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 3)

Civil Action No. **1:24-cv-12108-DJC**

9/25/2024 8:18 AM: There was no answer at the address. No lights noise movement or cars in driveway

9/26/2024 4:58 PM: There was no answer at the address. At the address I observed a previously served subject. I spoke with an on-site worker who says subject resides, a property manager/landlord who says subject resides and a neighbor who says subject resides. No answer at door electronic doorbell.

9/29/2024 7:34 AM: There was no answer at the address. No light noise movement or cars in driveway



Tracking # 0144381360



<p>ATTORNEY (S) NAME & ADDRESS NITOI P. SINGH, ESQ. DHILLON LAW GROUP 177 Post Street, Suite 700 San Francisco, CA 94108 Tel. No.: (415) 433-1700 Fax No.: (415) 520-6593 Attorney(s) for: PLAINTIFF Reference: DHILASF-0015614.GE</p>	<p>FOR COURT USE ONLY</p>
<p>UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS</p>	
<p>PLAINTIFF/PETITIONER: MMAS RESEARCH LLC DEFENDANT/RESPONDENT: BOSTON CHILDREN HOSPITAL; et al.</p>	
<p>DECLARATION OF DILIGENCE</p>	<p>CASE No.: 1:24-cv-12108-DJC</p>

I, SHEA BYERS, declare that I have personal, firsthand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by **EXPRESS NETWORK, 1605 W. Olympic Blvd., 8th Floor, Los Angeles, California 90015 (213) 975-9850**, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

On **10/30/2024**, EXPRESS NETWORK, received the following document(s): SUMMONS IN A CIVIL ACTION; FIRST AMENDED COMPLAINT - JURY TRIAL DEMANDED, to be served on: **DONALD MORISKY**, at the following address:

ATTEMPTED SERVICE AT:

10935 MUSEO AVENUE
LAS VEGAS, NV 89135

10/31/2024 AT 12:23 PM	THERE WAS NO ANSWER AT THE DOOR. NO CARS IN THE DRIVEWAY. RING VIDEO DOORBELL RECORDING STATED 'WE ARE UNABLE TO COME TO THE DOOR, LEAVE A MESSAGE'.
11/01/2024 AT 12:00 PM	NO ANSWER AT THE DOOR. NO CARS IN THE DRIVEWAY. NO ACTIVITY HEARD OR OBSERVED INSIDE OR OUTSIDE THE HOUSE.
11/03/2024 AT 5:38 PM	THE LIGHTS WERE ON INSIDE THE HOUSE. I KNOCKED ON THE DOOR SEVERAL TIMES BUT THERE WAS NO ANSWER. THE HOUSE REMAINED QUIET. NO CARS IN THE DRIVEWAY.
11/06/2024 AT 12:20 PM	THERE WAS NO ANSWER AT THE DOOR. NO CARS IN THE DRIVEWAY. NO MAJOR CHANGES FROM PREVIOUS ATTEMPTS. I LEFT A CARD ON THE DOOR FOR A CALL BACK.
11/07/2024 AT 7:20 PM	NO ANSWER AT THE DOOR. NO CARS IN THE DRIVEWAY. NO LIGHTS ON INSIDE THE HOUSE. PACKAGE AT THE DOORSTEP FOR 'SUSAN MORISKY'.
11/08/2024 AT 08:20 AM	NO ANSWER AT THE DOOR. THE PACKAGE WAS STILL AT THE DOOR. I WAS UNABLE TO MAKE ANY CONTACT WITH THE OCCUPANTS AND UNABLE TO CONFIRM IF THIS IS A GOOD ADDRESS FOR THE SUBJECT.

Person serving:
SHEA BYERS (Nevada Process Server)
Express Network
P.O. Box 861057
Los Angeles, California 90086
(213) 975-9850

Not a Registered California Process Server
(1) Employee or Independent Contractor
(2) Registration No.:
(3) County:

I declare under penalty of perjury that the foregoing is true and correct.

Date: November 19, 2024

Shirley Bynum

DECLARATION OF DILIGENCE

ATTORNEY(S) NAME & ADDRESS NITTOJ P. SINGH, ESQ. DHILLON LAW GROUP 177 Post Street, Suite 700 San Francisco, CA 94108 Tel. No.: (415) 433-1700 Fax No.: (415) 520-6593 Attorney(s) for: PLAINTIFF Reference: DHILASF-0015616.GE	FOR COURT USE ONLY
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS	
PLAINTIFF/PETITIONER: MMAS RESEARCH LLC DEFENDANT/RESPONDENT: BOSTON CHILDREN HOSPITAL; et al.	
DECLARATION OF DILIGENCE	CASE No.: 1:24-cv-12108-DJC

I, DEAN M. CARROLL, declare that I have personal, firsthand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by **EXPRESS NETWORK, 1605 W. Olympic Blvd., 8th Floor, Los Angeles, California 90015 (213) 975-9850**, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

On **10/30/2024**, EXPRESS NETWORK, received the following document(s): SUMMONS IN A CIVIL ACTION; FIRST AMENDED COMPLAINT - JURY TRIAL DEMANDED, to be served on: **DONALD MORISKY**, at the following address:

ATTEMPTED SERVICE AT:

1100 OCEANGATE
 LONG BEACH, CA 90802

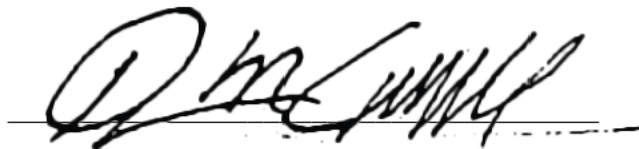
11/01/2024 AT 10:13 AM GIVEN ADDRESS DOES NOT EXIST. THERE IS NO SUCH NUMBER.

Person serving:
 DEAN M. CARROLL
 Express Network
 P.O. Box 861057
 Los Angeles, California 90086
 (213) 975-9850

Registered California Process Server
 (1) Employee or Independent Contractor
 (2) Registration No.: 5980
 (3) County: LOS ANGELES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 19, 2024



DECLARATION OF DILIGENCE

ATTORNEY(S) NAME & ADDRESS NITTOJ P. SINGH, ESQ. DHILLON LAW GROUP 177 Post Street, Suite 700 San Francisco, CA 94108 Tel. No.: (415) 433-1700 Fax No.: (415) 520-6593 Attorney(s) for: PLAINTIFF Reference: DHILASF-0015615.GE	FOR COURT USE ONLY
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS	
PLAINTIFF/PETITIONER: MMAS RESEARCH LLC DEFENDANT/RESPONDENT: BOSTON CHILDREN HOSPITAL; et al.	
DECLARATION OF DILIGENCE	CASE No.: 1:24-cv-12108-DJC

I, CESAR HERNANDEZ-GOVEA, declare that I have personal, firsthand knowledge of the following facts, and if called and sworn as a witness, I can and will testify competently thereto. I and any employees or agents retained by **EXPRESS NETWORK, 1605 W. Olympic Blvd., 8th Floor, Los Angeles, California 90015 (213) 975-9850**, are and were on the dates mentioned herein over the age of 18 years and not a party to this action.

On **10/30/2024**, EXPRESS NETWORK, received the following document(s): SUMMONS IN A CIVIL ACTION; FIRST AMENDED COMPLAINT - JURY TRIAL DEMANDED, to be served on: **DONALD MORISKY**, at the following address:

ATTEMPTED SERVICE AT:

650 CHARLES E YOUNG DR., RM 46-071A
 LOS ANGELES, CA 90095

10/31/2024 AT 1:03 PM

PER FRONT DESK SECURITY, THEY DO NOT ACCEPT ANYTHING AT THIS LOCATION. THIS MUST BE SERVED AT THE SUBJECT'S RESIDENCE OR HIS PRIVATE PRACTICE.

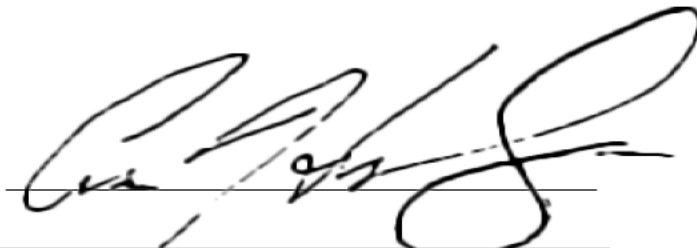
Person serving:

CESAR HERNANDEZ-GOVEA
 Express Network
 P.O. Box 861057
 Los Angeles, California 90086
 (213) 975-9850

Registered California Process Server
 (1) Employee or Independent Contractor
 (2) Registration No.: 2021190563
 (3) County: LOS ANGELES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 19, 2024



DECLARATION OF DILIGENCE

EXHIBIT 2

Nitoj Singh (Dhillon Law)

From: Anthony Fusaro (Dhillon Law)
Sent: Wednesday, October 2, 2024 4:53 PM
To: Amanda Bruss -; caustin@weidemiller.com
Cc: Nitoj Singh (Dhillon Law); persepolaw@gmail.com
Subject: Re: Request for Waiver of Service // MMAS Research, LLC v. Boston Children's Hospital et al. (D. Mass., Case No. 1:24-cv-12108-DJC)

Counsel,

As you may know, we represent MMAS Research LLC in its action against Boston Children's Hospital, MMAR LLC, Jacob Hartz, Hannah Palfrey, Sarah D. de Ferranti, and Donald Morisky. We served MMAR LLC on August 27, 2024, but despite multiple attempts, we have been unable to serve Mr. Morisky.

As a courtesy, would you agree to waive service on behalf of Mr. Morisky?

Thank you,
Anthony Fusaro

Anthony J. Fusaro Jr., Esq.
Associate | Dhillon Law Group, Inc.
50 Park Place, Suite 1105 | Newark, NJ 07102
Phone: 408-343-8349 | Fax: 415-520-6593
Mobile: 650-455-7437

EXHIBIT 3

Subject Fwd: Service
From pat ray <raypatricia@yahoo.com>
To: F. Christopher Austin
<caustin@weidemiller.com>
Bcc: pat ray <raypatricia@yahoo.com>, Steve
Trubow <trubow1@gmail.com>
Date Dec 1 at 10:52 PM

Dear Christopher
Will you be answering my email sent on October 29, 2024
concerning accepting service?
Thank you
Patricia Ray

From: Patricia ray <raypatricia@yahoo.com>
Date: November 29, 2024 at 7:49:30 AM PST
To: "F. Christopher Austin" <caustin@weidemiller.com>,
Amanda Bruss <amanda@brusslegal.com>
Subject: Service

Dear Chris and Amanda

I am one of the lawyers for MMAS Research, LLC.
in D. Mass., Case No. 1:24-cv-12108-DJC against
Donald Morisky and MMAR LLC in the
Massachusetts Federal District Court

On October 2, 2024, another MMAS Research LLC
lawyer, Anthony Fusaro sent you both a Request for
Waiver of Service // MMAS Research, LLC v.
Boston Children's Hospital et al. (D. Mass., Case
No. 1:24-cv-12108-DJC). See attached Fusaro to
Bruss and Austin correspondence.

Mr. Fusaro never received a response from
either one of you.

Will either of you accept service on behalf of
Donald Morisky and MMAR LLC for the attached
complaint ?

Thank you in advance for your prompt
response to this request for waiver of service.

Subject Re: Service
From Amanda Bruss <amanda@brusslegal.com>
To: Patricia ray <raypatricia@yahoo.com>
Cc: F. Christopher Austin
<caustin@weidemiller.com>
Date Nov 29 at 7:59 AM

Ms. Ray,

Your request is unclear. I represent Dr. Morisky in the District of Washington matter, but am not authorized to accept service on his behalf as to other matters in which I have not been retained.

Regards,

Amanda L. Bruss, Esq.

Bruss Legal PLLC

7550 E. 53rd Pl. #172464

Denver, CO 80217

Cell: 415.271.5754

www.brusslegal.com

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Subject MMAS Research, LLC v. Boston Children's Hospital et al. (D. Mass., Case No. 1:24-cv-12108-DJC)

From F. Christopher Austin
<caustin@weidemiller.com>

To: pat ray <raypatricia@yahoo.com>

Cc: Sierra Beasley
<sbeasley@weidemiller.com>

Date Dec 2 at 12:37 PM

Ms. Ray:

I'm not authorized to practice in Massachusetts, and I am not authorized to accept service in the referenced matter.

F. Christopher Austin
Weide & Miller, Ltd.

10655 Park Run Drive

Suite 100

Las Vegas NV 89144

702.610.9094 Mobile

702.382.4804 Office

702.382.4805 Fax

caustin@weidemiller.com | www.weidemiller.com

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EXHIBIT 4

Subject: Re: Service of Summons and Complaint – MMAS Research LLC v. The Children's Corporation, et al., Case No. 1:24-cv-12108-DJC
Date: Friday, February 21, 2025 at 8:42:33 AM Eastern Standard Time
From: Franklin Christopher Austin
To: persepolaw@gmail.com
CC: Alicia Perez
Attachments: image001.png

Download full resolution images
Available until Mar 23, 2025



Mr. Roozbehani:

We have just been retained to represent Defendants Dr. Donald Morisky and MMAR, LLC in the referenced action. We expect to file a response to the First Amended Complaint today. You are welcome to contact me to discuss.

F. Christopher Austin | Partner
Lex Tecnica, Ltd.
10161 Park Run Dr., Ste. 150
Las Vegas, NV 89145
702.610.9094
chris@lextecnica.com | www.lextecnica.com



From: **Ash Roozbehani** <persepolaw@gmail.com>
Date: Wed, Jan 29, 2025 at 1:38 PM
Subject: Service of Summons and Complaint – MMAS Research LLC v. The Children's Corporation, et al., Case No. 1:24-cv-12108-DJC
To: <dmorisky@g.ucla.edu>, <dmorisky@gmail.com>, <donald.morisky@moriskyscale.com>
CC: Patricia ray <raypatricia@yahoo.com>

Dear Dr. Morisky,

Pursuant to the January 28, 2025 Order of the United States District Court for the District of Massachusetts granting Plaintiff's Motion for Alternative Service, attached please find the Summons, Amended Complaint & Exhibits, and the Court's Order permitting service by email in the above-referenced case. The entered Court Order along with Complaint & Exhibits are also available for viewing and download on PACER.

This email constitutes formal service of process upon you, Donald Morisky, and upon Morisky Medication Adherence Research, LLC (MMAR) pursuant to the Court's Order. You and MMAR are required to respond in accordance with the Federal Rules of Civil Procedure. Failure to respond within the time required by law may result in default judgment being entered against you.

The relevant case details are as follows:

- Case Name: *MMAS Research LLC v. The Children's Corporation et al.*
- Case Number: 1:24-cv-12108-DJC
- Court: United States District Court for the District of Massachusetts
- Judge: Hon. Denise J. Casper

Please confirm receipt of this email at your earliest convenience.

Sincerely,

Ash Roozbehani, Esq.

--

Ash Roozbehani

Persepolis Law, PLLC

www.persepolaw.com

Office: (617) 431-4329

Cell: (617) 784-5149

Subject: MMAS Research LLC v. The Children's Corporation, et al., Case No. 1:24-cv-12108: Request for Extension to Respond
Date: Saturday, February 22, 2025 at 10:28:18 PM Eastern Standard Time
From: F. Christopher Austin
To: persepolaw@gmail.com
CC: oczekjp@bsk.com, Alicia Perez
Attachments: image001.png, image002.png, image003.png, image004.jpg, image005.jpg

Mr. Roozbehani:

As I mentioned in my earlier email, we are counsel for Defendants Dr. Morisky and MMAR, LLC in this matter, but as we are not licensed in MA, we are in the process of retaining Jeremy Oczek, of Bond Shoenek & King to represent Defendants in this matter (copied).

Counsel will need additional time to assess the facts and prepare a response. Will you let me know Monday (Feb. 24th) whether you will stipulate to extend the time 14 days to March 5, 2025, for Defendants to response to the First Amended Complaint, or whether we will need to move for the same?

You are welcome to text or call me at the number below at your convenience to discuss. If you call, please text first so I know it is you.

Thank you,
Chris

F. Christopher Austin | Partner
Lex Tecnica, Ltd.
10161 Park Run Dr., Ste. 150
Las Vegas, NV 89145
702.610.9094
chris@lextecnica.com | www.lextecnica.com



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Subject: Re: MMAS Research LLC v. The Children's Corporation, et al., Case No. 1:24-cv-12108: Request for Extension to Respond
Date: Monday, February 24, 2025 at 9:02:51 AM Eastern Standard Time
From: Ash Roozbehani
To: F. Christopher Austin
CC: oczekjp@bsk.com, Alicia Perez, Patricia ray, Ronald Coleman, 'Peter Hoeller'
Attachments: image001.png, image002.png, image003.png, image004.jpg, image005.jpg

Good morning Attorney Austin,

Thanks for your call and email. At this time, we are not in a position to stipulate to an extension. Given that Defendants have been properly served and the response deadline has passed, we will be moving forward with a motion for default.

Best,
Ash

--

Ash Roozbehani
Persepolis Law, PLLC
www.persepolaw.com
Office: (617) 431-4329
Cell: (617) 784-5149

From: "F. Christopher Austin" <chris@lextecnica.com>
Date: Saturday, February 22, 2025 at 10:28 PM
To: "persepolaw@gmail.com" <persepolaw@gmail.com>
Cc: "oczekjp@bsk.com" <oczekjp@bsk.com>, Alicia Perez <Aperez@lextecnica.com>
Subject: MMAS Research LLC v. The Children's Corporation, et al., Case No. 1:24-cv-12108: Request for Extension to Respond

Mr. Roozbehani:

As I mentioned in my earlier email, we are counsel for Defendants Dr. Morisky and MMAR, LLC in this matter, but as we are not licensed in MA, we are in the process of retaining Jeremy Oczek, of Bond Shoeneck & King to represent Defendants in this matter (copied).

Counsel will need additional time to assess the facts and prepare a response. Will you let me know Monday (Feb. 24th) whether you will stipulate to extend the time 14 days to March 5, 2025, for Defendants to response to the First Amended Complaint, or whether we will need to move for the same?

You are welcome to text or call me at the number below at your convenience to discuss. If you call, please text first so I know it is you.

Thank you,
Chris

F. Christopher Austin | Partner
Lex Tecnica, Ltd.
10161 Park Run Dr., Ste. 150
Las Vegas, NV 89145
702.610.9094
chris@lextecnica.com | www.lextecnica.com



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EXHIBIT 5

Subject: MMAS Research LLC v. The Children's Corporation, et al., Case No. 1:24-cv-12108
Date: Wednesday, March 5, 2025 at 12:16:17 PM Eastern Standard Time
From: Oczek, Jeremy
To: persepolaw@gmail.com, raypatricia@yahoo.com, rcoleman@colemanlaw-pc.com
CC: chris@lextecnica.com, tfolkman@rubinrudman.com
Priority: High

Dear Counsel for Plaintiff:

I write to confer with respect to a motion to dismiss on behalf of Defendants Morisky Medication Adherence Research LLC ("MMAR") and Dr. Donald Morisky (collectively, "the Morisky Defendants"). The Morisky Defendants intend to file a motion requesting the Court dismiss them from the lawsuit for lack of personal jurisdiction. Neither have any presence or residence in Massachusetts. Dr. Morisky is a resident of Nevada, and MMAR is a Nevada LLC operated from Nevada and remotely by its CEO, Philip Morisky, from his residence in California. Dr. Morisky is retired. All licensing of his copyrights is managed through his company, MMAR. Neither Dr. Morisky nor MMAR solicit customers in, nor engage in business in Massachusetts.

The Morisky Defendants' only involvement in Massachusetts was to permit, at no cost, Boston Children's Hospital to use Dr. Morisky's registered copyright (Reg. No. TX8632533) in connection with a research study. This license was issued through Philip Morisky on behalf of the Morisky Defendants via email from his residence in California.

This very limited action of giving a free copyright license to the Hospital for a research study is insufficient under the law to engender either general or specific personal jurisdiction over the Morisky Defendants. Please let me know if you will consent to the dismissal of the Morisky Defendants for lack of personal jurisdiction or whether Plaintiff will oppose a motion to dismiss. As the Morisky Defendants have requested an extension with the Court through today, March 5, to respond to Plaintiff's amended complaint, I would appreciate your prompt response.

Thank you.

Sincerely,
Jeremy

Jeremy Oczek
Member of the Firm
Chair, Intellectual Property Group
oczekjp@bsk.com



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